

AGENDA
PANOCHÉ WATER DISTRICT
ADJOURNED REGULAR BOARD OF DIRECTORS MEETING
AND
PROPOSITION 218 PUBLIC HEARING

April 18, 2023 – 9:30 a.m.

MEETING LOCATION
Panoche Water District Boardroom
52027 West Althea Ave.
Firebaugh, CA 93622

PRESIDENT’S ANNOUNCEMENT: Pursuant to Government Code Section 54952.3, Water Code sections 34740 and 34741, and the District’s Bylaws, let it be known that Board members may receive either: A \$100.00 stipend as compensation for participation in today’s meeting and for each day’s service rendered as a Director, not to exceed a total of \$600.00 in any calendar month, or, as an Executive Officer of the District, a \$500.00 per month stipend as compensation for their service to the District.

- 1. CALL TO ORDER**
- 2. REVIEW OF AGENDA:** The Board will consider corrections and/or additions to the Agenda of items requiring immediate action that came to the attention of the Board after the Agenda was posted.
- 3. ROLL CALL:** A quorum will be confirmed and the Board will consider appointment of an acting Officer(s) in the event the President, Vice-President, and/or Secretary is absent from the meeting.
- 4. POTENTIAL CONFLICTS OF INTEREST:** Any Board member who has a potential conflict of interest may now identify the Agenda Item and recuse themselves from discussing and voting on the matter. [Government Code Section 87105]
- 5. PUBLIC COMMENT:** The Board of Directors welcomes participation in Board meetings. The public may address matters under the jurisdiction of the Board that have not been posted in the Agenda. The public will be given the opportunity to address the Board on any item in the Agenda at this time or before the Board’s consideration of that item. If members of the public desire to address the Board relative to a particular Agenda item at the time it is to be considered, they should so notify the President of the Board at this time. Please note, California Law prohibits the Board from taking action on any matter during a regular meeting that is not on the posted Agenda unless the Board determines that it is an emergency or one of the other situations specified in Government Code Section 54954.2. During a special meeting, the Board may not take action on any matter that is not on the posted Agenda. The President may limit the total amount of time allocated for public comment on particular issues to 3 minutes for each individual speaker.

6. PROPOSED 2023-2024 WATER RATES AND LAND-BASED CHARGES PUBLIC HEARING

At approximately 9:30 a.m., President Barcellos will open the Public Hearing to receive testimony on the District’s proposed 2023-2024 Water Rates and Land-Based Charges. After all public testimony has been received, President Barcellos will close the Public Hearing and Official Protest Period.

7. DIVISION REPORTS:

- A. Water Operations & Maintenance – Juan Cadena
- B. Administration – Ara Azhderian
- C. Ethics, Compliance, & Human Resources – Lorena Chagoya

8. PANOCHÉ WATER & DRAINAGE DISTRICTS JOINT CLOSED SESSION: Conference with Legal Counsel.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation pursuant to Section 54956.9(d), paragraph (2) or (3):

Number of Cases: Three

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Section 54956.9(d)(1):

Names of Cases:

- i. PCFFA v. Glaser, et. al.
US District Court, E.D. Cal, Case No. 2:11-cv-02980

9. REPORT FROM JOINT CLOSED SESSION (GOVERNMENT CODE SECTION 54957.1)

10. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant Exposure to Litigation pursuant to Section 54956.9(d), paragraph (2) or (3):

Number of Cases: Four

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Section 54956.9(d)(1):

Names of Cases:

- ii. Imani Percoats & Chris Bettencourt vs. Panoche Water District
Fresno County Superior Court Case No. 18CECG01651
- iii. Center for Biological Diversity, et al. v. United States, et al.
US District Court, E.D. Cal, Case No. 1:20-CV-00760 DAD-EPG
- v. North Coast Rivers Alliance, et al. v. Kenneth Salazar, et al.
US District Court, E.D. Cal., Case No. 1:16-cv-00307-DAD-SKO
- vi. Firebaugh Canal Water District & Central California Water District v. United States, et al.

- C. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: Irrigation Water
Agency Negotiator: Ara Azhderian, General Manager
Negotiating Parties: Eastside Canal & Irrigation Company
Under Negotiation: Price and terms.
- D. CONFERENCE REGARDING LABOR NEGOTIATIONS AND RECRUITMENT [GOV CODE §54950]
Pursuant to Section 54957.6:
Agency Designated Representative: Ara Azhderian, General Manager
Employee Organization: International Brotherhood of Electrical Workers Local 1245
- Pursuant to Section 54957(b)(1):
The Board will confer regarding recruitment for the position of General Manager.

11. REPORT FROM CLOSED SESSION

12. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and non-controversial and will be acted upon by a single action of the Board of Directors, unless a Board Member requests separate consideration of the item. If such a request is made, the item may be heard as an Action Item at this meeting. The Board will review and consider (Tab 2):

- Accepting the Quarterly Investment Report for the period ending March 31, 2023;
- Accepting the monthly financial statements for the period ending March 31, 2023;
- Accepting the Director's Monthly Credit Card Usage Report.

ACTION ITEMS

- 13.** The Board to review and consider authorizing execution of a Reclamation Reform Act Section 215 Water Contract with the Bureau of Reclamation (Azhderian – Tab 3);
- 14.** The Board to review and consider authorizing negotiation of a Conveyance Agreement with West Stanislaus Irrigation District (Azhderian – Tab 4);
- 15.** The Board to review and consider amending the 1) 2023-24 fiscal-year budget; 2) the Central Valley Project and supplemental water rates; and 3) the 2023-24 Operations & Maintenance rates (Azhderian – Tab 5);
- 16.** The Board to review and consider authorizing execution of a Consulting Services Agreement with Water & Land Solutions (Azhderian – Tab 6);
- 17.** The Board to review and consider authorizing execution of an Agreement for Professional Services with Ara Azhderian (Williams – Tab 7);

18. The Board to review and consider adopting a Resolution updating the District’s Retirement Plan Trustee(s) (Azhderian – Tab 8);
19. The Board to review and consider adopting a Resolution updating District representatives authorized to execute Local Agency Investment Fund (LAIF) transactions (Azhderian – Tab 9);
20. The Board to review and consider approving revisions to certain District health and safety policies, including (Azhderian/Chagoya – Tab 10):
 - A. Coronavirus/COVID-19 Prevention Procedures
 - B. Injury, Illness, Prevention Program
 - C. Heat Illness Prevention Program
 - D. Confined Spaces Program
 - E. Hazard Communication Program
 - F. Fire Protection Plan
21. The Board to review and consider approving revisions to certain District finance and administration policies, including (Azhderian/Chagoya – Tab 11):
 - A. Credit Card Use Policy
 - B. Credit Card Review Procedures
 - C. Statement on Reimbursement of Reasonable Expenses and Expenditure of Public Resources
 - D. Accounting Policies & Procedures Manual
22. The Board to review and consider approving the accounts payable (Azhderian – Tab 12).

REPORT ITEMS

23. **FINANCIAL REPORTS** (Tab 13)
 - A. FYE 2023 Budget-to-Actual Report;
 - B. FYE 2024 Budget-to-Actual Report;
 - C. Other financial matters affecting the District.
24. **REPORTS UNDER DISTRICT POLICIES** (Tab 14)
 - A. Emergency COVID-19 Pandemic Response Policy;
 - B. Report(s) on Brown Act Meetings & Conferences Attended at District Expense
(may be written or oral and may be joint for multiple attendees);
 - C. Board to Consider Update(s) or Approval(s) Required Under Any Other District Policies.
25. **GENERAL MANAGER’S REPORT** (Tab 15)
 - A. Water Supplies, Deliveries, and Quality;
 - B. Domestic Water Treatment Plant;
 - C. Sustainable Groundwater Management Act;
 - D. Los Vaqueros Expansion Project;
 - E. B.F. Sisk Expansion Project;
 - F. Other Matters Affecting the District.
26. **REPORTS ON OTHER ITEMS PURSUANT TO GOVERNMENT CODE SECTION 54954.2(a)(3)**

27. FUTURE MEETING DATES

- A. Board to Consider Action to Set Special Meeting Date(s): *None requested.*
- B. Next Regular Meeting Date: May 9, 2023.

28. ADJOURNMENT

- ❖ Items on the Agenda may be taken in any order.
- ❖ Action may be taken on any item listed on the Agenda.
- ❖ Writings relating to open session: Agenda items that are distributed to members of the Board of Directors will be available for inspection at the District office, excluding writings that are not public records or are exempt from disclosure under the California Public Records Acts.

Americans with Disabilities Act of 1990: Under this Act, a qualifying person may request that the District provide a disability-related modification or accommodation in order to participate in any public meeting of the District. Such assistance includes alternative formats for the agendas and agenda packets used for any public meetings of the District. Requests for assistance shall be made in person, in written form, or via telephone by calling (209) 364-6136. Requests must be received at least 18 hours prior to a scheduled public meeting.

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